

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

SEP 05 2017

Clerk, U.S. District Court
District Of Montana
Billings

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SKY MIGUEL LITTLE COYOTE,

Defendant.

CR 10-15-BLG-SPW

ORDER

On August 7, 2017, United States Magistrate Judge John Johnston entered Findings and Recommendations with respect to the July 7, 2017, petition for revocation of Defendant Little Coyote's supervised release. (Docs. 75 and 84). Based on Little Coyote's admissions to the alleged violations, Judge Johnson recommends his supervised release be revoked and recommends that this Court sentence Little Coyote to ten months imprisonment with no supervised release to follow. (Doc. 84 at 5).

A district judge "may accept, reject, or modify the recommended disposition" on a dispositive matter prepared by a magistrate judge proceeding without the consent of the parties for all purposes. Fed.R.Civ.P. 72(b); *see* 28 U.S.C. § 636(b)(1). "The court shall make a *de novo* determination of those

portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1).

Little Coyote objects to Judge Johnson’s recommendation of ten months imprisonment. (Doc. 85). Little Coyote argues that, in light of his cognitive and psychological difficulties, his violations are best addressed with a sentence of time served and supervised release requiring him to reside in a pre-release center for six months. (*Id.* at 3).

The Court has reviewed Little Coyote’s initial judgment and statement of reasons, (Doc. 32, 33), his prior revocations and reports of offender under supervision, (Docs. 35, 46, 53, 61, 62, 63), and the transcript of the revocation proceedings before Judge Johnson. At every turn, Little Coyote has received leniency from the court. Nevertheless, he continues to breach the court’s trust. At his sentencing for the underlying conviction, he received favorable consideration for his age and mental conditions. He received minimal incarceration time for each of his three prior revocations, despite repeated instances of failing to attend mental health treatment and ignoring his probation officer’s instructions.

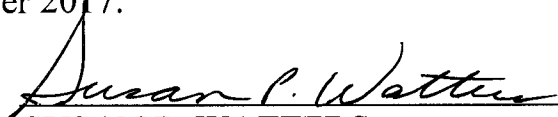
The idea of supervised release is for Little Coyote’s rehabilitation so that he may one day become a productive, law abiding member of the community. Despite these goals, Little Coyote continues to ignore his probation officer’s instructions. These violation of his supervised release are breaches of the Court’s

trust, because in imposing a sentence of supervised release, the Court trusts that Little Coyote will serve part of his sentence in the community. Little Coyote has demonstrated that he is unwilling to comply with his conditions and keep in touch with his probation officer. Accordingly, the Court finds that a higher period of incarceration is necessary to promote respect for the law and to deter Little Coyote from flouting the law.

Based on these violations, and considering the 3553(a) factors, the Court believes ten months imprisonment with no supervision to follow satisfies the 3553(a) factors and is a sufficient but not greater than necessary sentence. Judge Johnson's Findings and Recommendations are hereby adopted in full.

IT IS ORDERED that Defendant Little Coyote's supervised release is revoked. Judgment will be entered by separate document.

DATED this 15th day of September 2017.


SUSAN P. WATTERS
United States District Judge